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November 6, 2012

VIA ECF

Honorable Kevin McNulty, U.S.D.J.
United States District Court
U.S. Post Office & Courthouse Building
Federal Square, Courtroom 8
Newark, NJ 07101

Re: *Aleynikov v. The Goldman Sachs Group, Inc.*
Case No. 12 Civ. 5994 (KM-MAH)

Dear Judge McNulty:

According to Goldman Sachs's letter of this date: (a) it secured the Court's permission, unbeknownst to Aleynikov, to file another responsive brief — in addition to the 2-page, post-argument submissions the Court allowed both parties to file — by October 29th; and (b) it failed to honor that invisible October 29th deadline, instead filing a brief late in the afternoon on Friday, November 2nd, to which Aleynikov has now responded.

We do not share — and, in fact, are embarrassed to be drawn into — Goldman Sachs's Big Law, take-no-prisoners approach to litigation. Sergey Aleynikov is not a multi-billion dollar company. He is an acquitted, indemnified officer of a Goldman Sachs subsidiary who has no job, no home, no money, and unpaid legal bills of more than two million dollars — and counting. Rather than continue on the course of dueling letters and damning delay charted by Goldman Sachs, Aleynikov respectfully requests that the Court convene a conference in this matter as soon as possible. We are at your Honor's disposal, and will lay all other business aside to participate in such a conference.

Thank you for your consideration of this request.

Respectfully,



Kevin H. Marino

cc: A. Ross Pearson, Esq.
Matthew W. Friedrich, Esq.